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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,688	05/06/1999	OLIVER T. BAYLEY	INT1P027	3807
21912	7590	06/06/2006		
VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			EXAMINER BROWN, VERNAL U	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/306,688

Applicant(s)

BAYLEY ET AL.

Examiner

Vernal U. Brown

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9,17,20-22,24-28,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7-9,20-22,24-28,31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to communication filed on May 11, 2006.

#### ***Response to Amendment***

The examiner recognizes the amendment of claims 1, 7-9, 22, 24-26, and the addition of claims 31-32.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 7-9, 22, 24-26 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-9, 20-22, 24-28, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Want et al U.S Patent 6008727 in view of Armstrong U.S Patent 5461385 and further in view of Jaeger US Patent 6564620.

Regarding claims 1 and 7, Want et al teaches an interactive radio frequency tag comprising a passive radio frequency transponder (col. 2 line 30), including an antenna (col. 2 line 34), an interface for receiving external stimulus and integrated circuit (col. 3 lines 10-15) responsive to external stimulus. Want et al. is however silent on teaching the integrated circuit is responsive to an external stimulus to irreversibly change the state of the transponder between a

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first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response in response to an external stimulus. Armstrong in an art related RF/ID Transponder System Employing Multiple Transponders And A Sensor invention teaches a transponder having one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response (col. 2 lines 45-54). Armstrong also teaches a switch 13 connecting the integrated circuit the interface 17 for receiving the external stimuli (col. 2 lines 25-35). Armstrong is also silent on teaching the environmental conditions cause an irreversible change and the transponder output a sensory-perceptible output indicating that the transponder has been exposed to the environmental condition. Jaeger in an art related corrosion sensor device invention teaches a transponder having a corrosion sensor in the form of an electrode and when the electrode is place in a corrosive environment, the corrosion of the electrode is detected and a visual display (sensory –perceptible) of the corrosive effect experience by the environment is provided (col. 7 line 64-col. 8 line 11). The corrosion of the electrode is considered irreversible change.

It would have been obvious to one of ordinary skill in the art to have integrated circuit responsive to an external stimulus to irreversibly change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response which includes detecting in Want et al. as evidenced by Armstrong in view of Jaeger because this enables the transponder to provide different information based on the external stimulus and detecting the irreversibly

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change provides further indication of the quantitative measurement of the environmental condition.

Regarding claim 8, Want et al. teaches a radio frequency tag apparatus giving audio or visual indication (col. 12 line 2-3).

Regarding claim 9, Want et al teaches that the output device generates a tactile signal (col. 2 line 54).

Regarding claim 20, Want et al. teaches the use of various environmental sensors including a transducer provided by a temperature sensor(col. 3 lines 10-17).

Regarding claim 21, Want et al teaches a radio frequency tag apparatus with an output device of a light emitting diode or an audio alert signal output (col. 12 lines 3-4). Speakers are typically used to output an audio alert signal.

Regarding claims 22 and 24, Want et al teaches an interactive radio frequency tag comprising a passive radio frequency transponder (col. 2 line 30), including an antenna (col. 2 line 34), an interface for receiving external stimulus and integrated circuit (col. 3 lines 10-15) responsive to external stimulus. Want et al. is however silent on teaching the integrated circuit is responsive to an external stimulus to irreversibly change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response in response to an external stimulus. Armstrong in an art related RF/ID Transponder System Employing Multiple Transponders And A Sensor invention teaches a transponder having one or more integrated circuit responsive to an external stimulus to change the state of the transponder between a first

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active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response (col. 2 lines 45-54). Armstrong also teaches a switch 13 connecting the integrated circuit the interface 17 for receiving the external stimuli (col. 2 lines 25-35). Armstrong is also silent on teaching the environmental conditions cause an irreversible change and the transponder output a sensory-perceptible output indicating that the transponder has been exposed to the environmental condition. Jaeger in an art related corrosion sensor device invention teaches a transponder having a corrosion sensor in the form of an electrode and when the electrode is place in a corrosive environment, the corrosion of the electrode is detected and a visual display (sensory –perceptible) of the corrosive effect experience by the environment is provided (col. 7 line 64-col. 8 line 11). The corrosion of the electrode is considered an irreversible change.

It would have been obvious to one of ordinary skill in the art to have integrated circuit responsive to an external stimulus to irreversibly change the state of the transponder between a first active state in which the transponder provides a first active response and a second active state in which the transponder provides a second active response which includes detecting in Want et al. as evidenced by Armstrong in view of Jaeger because this enables the transponder to provide easily recognizable information based on the external stimulus and detecting the irreversibly change provides further indication of the quantitative measurement of the environmental condition.

Regarding claim 24, Want et al. teaches a radio frequency tag apparatus giving audio or visual indication (col. 12 line 2-3).

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Regarding claim 25, Want et al teaches that the output device generates a tactile signal (col. 2 line 54).

Regarding claim 26, Want et al teaches a tactile output based on internal state of the RF tag (col. 8. lines 40-41).

Regarding claim 27, Want et al teaches an interface that includes a button (col. 5 line 23).

Regarding claim 28, Want et al teaches a RF tag with an optionally attached sensor (560).

Regarding claims 31-32, Want et al teaches an interactive radio frequency having an interface for receiving external stimulus and integrated circuit (col. 3 lines 10-15) but is silent on teaching providing a sensory-perceptible output indicating the transponder has been exposed to the environmental condition. Jaeger in an art related corrosion sensor device invention teaches a transponder having a corrosion sensor (col. 7 lines 10-25) and outputting a visible sensory – perceptible output indicating the transponder has been exposed to the environmental condition (col. 3 lines 20-32). The visible sensory –perceptible output indicate that the transponder is exposed to the environmental condition and further implying the absence of the indication that the transponder is not exposed to the environmental condition.

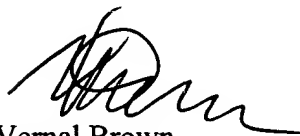
It would have been obvious to one of ordinary skill in the art to provide a sensory-perceptible output indicating the transponder has been exposed to the environmental condition because this enables the transponder to provide easily recognizable information based on the external stimulus

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vernal Brown  
May 23, 2006